

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>IN RE: BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION</b>  <b>(MDL NO.: 2406)</b>	} } } }	<b>Master File No.: 2:13-CV-20000-RDP</b>  <b>This document relates to the Provider Track cases.</b>
---	------------------	--

**JOINT REPORT REGARDING PROPOSED SCHEDULE**

Pursuant to the Court's July 29, 2020 Order (Dkt. 2594), Defendants and Provider Plaintiffs have met and conferred on multiple occasions about lifting the stay for the Provider Track and developing a schedule for proceedings once the stay is lifted.<sup>1</sup> After extensive negotiation, these parties have agreed to a schedule for this Track. Their Proposed Schedule is attached as Exhibit 1. We respectfully request that the Court enter this Proposed Seventh Amended Scheduling Order.

Dated: August 31, 2020

Respectfully submitted,

/s/ Barry A. Ragsdale  
Barry Alan Ragsdale  
SIROTE & PERMUTT P.C.  
P.O. Box 55727  
Birmingham, AL 35255-5727  
Tel: (205) 930-5114  
Fax: (205) 212-2932  
bragsdale@sirote.com

*Plaintiffs' Liaison Counsel*

Edith M. Kallas  
WHATLEY KALLAS, LLP  
1180 Avenue of the Americas,  
20th Floor  
New York, NY 10036

/s/ Craig A. Hoover  
Craig A. Hoover  
E. Desmond Hogan  
Justin W. Bernick  
Peter Bisio  
Elizabeth Jose  
HOGAN LOVELLS US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
202-637-5600  
(fax) 202-637-5910  
craig.hoover@hoganlovells.com  
desmond.hogan@hoganlovells.com  
justin.bernick@hoganlovells.com  
peter.bisio@hoganlovells.com

<sup>1</sup> Consistent with the Court's Order, the Providers and Defendants have kept the Plaintiffs Discovery Liaison Counsel and the Subscriber Plaintiffs apprised of these discussions.

Tel: (212) 447-7060  
Cell: (917) 742-1172  
Fax: (800) 922-4851  
ekallas@whatleykallas.com

Joe R. Whatley, Jr.  
W. Tucker Brown  
WHATLEY KALLAS, LLP  
2001 Park Place North  
1000 Park Place Tower  
Birmingham, AL 35203  
Tel: (205) 488-1200  
Fax: (800) 922-4851  
jwhatley@whatleykallas.com  
tbrown@whatleykallas.com

Patrick J. Sheehan  
WHATLEY KALLAS, LLP  
101 Federal Street, 19<sup>th</sup> Floor  
Boston, MA 02110  
Tel: (617) 573-5118  
Fax: (800) 922-4851  
psheehan@whatleykallas.com

*Co-Lead Counsel for the Provider  
Plaintiffs*

elizabeth.jose@hoganlovells.com

*Co-Coordinating Counsel for the Defendants*

David J. Zott, P.C.  
Daniel E. Laytin, P.C.  
Sarah J. Donnell  
Christa C. Cottrell, P.C.  
Zachary Holmstead  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Tel: (312) 862-2000  
Fax: (312) 862-2200  
david.zott@kirkland.com  
daniel.laytin@kirkland.com  
sdonnell@kirkland.com  
ccottrell@kirkland.com  
zachary.holmstead@kirkland.com

*Co-Coordinating Counsel for the Defendants*

#### **Defense Counsel**

Cavender C. Kimble  
BALCH & BINGHAM LLP  
1901 6th Avenue North, Suite 1500  
Birmingham, AL 35203-4642  
Tel: (205) 226-3437  
Fax: (205) 488-5860  
ckimble@balch.com

*With Hogan Lovells, counsel for Blue Cross  
and Blue Shield of North Carolina, Inc.;  
Louisiana Health Service & Indemnity  
Company (Blue Cross and Blue Shield of  
Louisiana); BCBSM, Inc. (Blue Cross and  
Blue Shield of Minnesota); Blue Cross and  
Blue Shield of South Carolina; Horizon  
Healthcare Services, Inc. (Horizon Blue Cross  
and Blue Shield of New Jersey); Blue Cross &  
Blue Shield of Rhode Island; Blue Cross and*

Kimberly R. West (Liaison Counsel)  
Mark M. Hogewood  
WALLACE JORDAN RATLIFF &  
BRANDT LLC  
First Commercial Bank Building  
800 Shades Creek Parkway, Suite 400  
Birmingham, AL 35209  
Tel: (205) 870-0555  
Fax: (205) 871-7534  
kwest@wallacejordan.com  
mhogewood@wallacejordan.com

*Defendants' Liaison Counsel*

*With Kirkland & Ellis, counsel for Defendant,  
Blue Cross and Blue Shield Association*

James L. Priester

*Blue Shield of Vermont; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Utah; Regence Blue Shield (of Washington); Regence Blue Cross Blue Shield of Oregon; Anthem, Inc., f/k/a WellPoint, Inc., and all of its named subsidiaries in this consolidated action*

John D. Martin  
Lucile H. Cohen  
Travis A. Bustamante  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
1320 Main Street, 17th Floor  
Columbia, SC 29201  
Tel: (803) 255-9421  
Fax: (803) 255-9054  
john.martin@nelsonmullins.com  
lucie.cohen@nelsonmullins.com  
travis.bustamante@nelsonmullins.com

*Counsel for Blue Cross and Blue Shield of North Carolina, Inc.; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Blue Cross and Blue Shield of South Carolina; Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New Jersey); Blue Cross & Blue Shield of Rhode Island; Blue Cross and Blue Shield of Vermont; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Utah; Regence Blue Shield (of Washington); Regence Blue Cross Blue Shield of Oregon; Anthem, Inc., f/k/a WellPoint, Inc., and all of its named subsidiaries in this consolidated action.*

Christine Varney  
Evan Chesler  
Karin DeMasi  
Lauren Kennedy  
CRAVATH SWAINE & MOORE LLP  
825 Eighth Avenue  
New York, NY 10019

Carl S. Burkhalter  
John Thomas A. Malatesta, III  
MAYNARD COOPER & GALE PC  
1901 6th Avenue North, Suite 2400  
Regions Harbert Plaza  
Birmingham, AL 35203  
Tel: (205) 254-1000  
Fax: (205) 254-1999  
jpriester@maynardcooper.com  
cburkhalter@maynardcooper.com  
jmalatesta@maynardcooper.com

Pamela B. Slate  
HILL HILL CARTER FRANCO COLE &  
BLACK, P.C.  
425 South Perry Street  
Montgomery, AL 36104  
Tel: (334) 834-7600  
Fax: (334) 386-4381  
pslate@hillhillcarter.com

*Counsel for Defendant, Blue Cross Blue Shield of Alabama*

Helen E. Witt, P.C.  
Jeffrey J. Zeiger, P.C.  
Erica B. Zolner  
Casey R. Fronk  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Tel: (312) 862-2000  
Fax: (312) 862-2200  
hwitt@kirkland.com  
jzeiger@kirkland.com  
ezolner@kirkland.com  
cfronk@kirkland.com

Kimberly R. West (*Liaison Counsel*)  
Mark H. Hogewood  
WALLACE JORDAN RATLIFF &  
BRANDT LLC  
First Commercial Bank Building  
800 Shades Creek Parkway, Suite 400  
Birmingham, AL 35253  
Tel: (205) 870-0555

Tel: (212) 474-1000  
Fax: (212) 474-3700  
cvarney@cravath.com  
echesler@cravath.com  
kdemasi@cravath.com  
lkennedy@cravath.com

*Counsel for Defendants Blue Cross and Blue Shield of Tennessee, Inc.; Blue Cross Blue Shield of Alabama; Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.*

John D. Martin  
Lucile H. Cohen  
Travis A. Bustamante  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
1320 Main Street, 17th Floor  
Columbia, SC 29201  
Tel: (803) 255-9421  
Fax: (803) 255-9054  
john.martin@nelsonmullins.com  
lucie.cohen@nelsonmullins.com  
travis.bustamante@nelsonmullins.com

*Counsel for Defendants Blue Cross and Blue Shield of Tennessee, Inc.; Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.*

Robert R. Riley, Jr.  
RILEY & JACKSON, P.C.  
3530 Independence Drive  
Birmingham, AL 35209  
Tel: (205) 879-5000  
Fax: (205) 879-5901  
rob@rileyjacksonlaw.com

*Counsel for Defendants Blue Cross and Blue Shield of Tennessee, Inc.; Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.*

Brian K. Norman

Fax: (205) 871-753  
kwest@wallacejordan.com  
mhogewood@wallacejordan.com

*Counsel for Defendants, Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico, Blue Cross and Blue Shield of Oklahoma, and Blue Cross and Blue Shield of Montana; Caring for Montanans, Inc., f/k/a Blue Cross and Blue Shield of Montana, Inc.; Highmark Inc., f/k/a Highmark Health Services; Highmark West Virginia Inc.; Highmark Blue Cross Blue Shield Delaware Inc.; California Physicians' Service d/b/a Blue Shield of California*

Jonathan M. Redgrave  
Victoria A. Redgrave  
REDGRAVE, LLP  
14555 Avion Parkway, Suite 275  
Chantilly, VA 20151  
Tel: (703) 592-1155  
Fax: (612) 332-8915  
jredgrave@redgravellp.com  
vredgrave@redgravellp.com

*Additional Counsel for HCSC and Highmark Defendants*

Andy P. Campbell  
Stephen D. Wadsworth  
A. Todd Campbell  
Yawanna N. McDonald  
CAMPBELL, GUIN, WILLIAMS, GUY  
& GIDIERE LLC  
505 20th Street North, Suite 1600  
Birmingham, AL 35203  
Tel: (205) 224-0750  
Fax: (205) 224-8622  
andrew.campbell@campbellguin.com  
stephen.wadsworth@campbellguin.com  
todd.campbell@campbellguin.com

SHAMOUN & NORMAN, LLP  
1800 Valley View Lane, Suite 200  
Farmers Branch, TX 75234  
Tel: (214) 987-1745  
Fax: (214) 521-9033  
bkn@snlegal.com

H. James Koch  
ARMBRECHT JACKSON LLP  
63 South Royal Street, 13th Floor  
Riverview Plaza  
Mobile, AL 36602  
Tel: (251) 405-1300  
Fax: (251) 432-6843  
hjk@ajlaw.com

*Counsel for Defendants, Carefirst, Inc.;  
Carefirst of Maryland, Inc.; Group  
Hospitalization and Medical Services, Inc.;  
CareFirst BlueChoice, Inc.*

R. David Kaufman  
M. Patrick McDowell  
BRUNINI, GRANTHAM, GROWER  
& HEWES, PLLC  
190 East Capitol Street  
The Pinnacle Building, Suite 100  
Jackson, MS 39201  
Tel: (601) 948-3101  
Fax: (601) 960-6902  
dkaufman@brunini.com  
pmcdowell@brunini.com

Cheri D. Green  
BLUE CROSS BLUE SHIELD OF  
MISSISSIPPI  
P. O. Box 1043  
Jackson, MS 39215  
Tel: (601) 932-3704  
cdgreen@bcbsms.com

John D. Martin  
Lucile H. Cohen  
Travis A. Bustamante  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP

yawanna.mcdonald@campbellguin.com

Sarah L. Cylkowski  
Thomas J. Rheume, Jr.  
BODMAN PLC  
201 South Division Street, Suite 400  
Ann Arbor, MI 48104  
Tel: (734) 761-3780  
Fax: (734) 930-2494  
scylkowski@bodmanlaw.com  
trheume@bodmanlaw.com

Todd Stenerson  
SHEARMAN & STERLING LLP  
401 9th Street, NW  
Suite 800  
Washington, DC 20004-2128  
Tel: (202) 508-8000  
Fax: (202) 508-8100  
todd.stenerson@shearman.com

*Counsel for Defendant, Blue Cross and  
Blue Shield of Michigan*

John Briggs  
Rachel Adcox  
AXINN, VELTROP & HARKRIDER, LLP  
950 F Street, N.W.  
Washington, DC 20004  
Tel: (202) 912-4700  
Fax: (202) 912-4701  
jbriggs@axinn.com  
radcox@axinn.com

Stephen A. Rowe  
Aaron G. McLeod  
ADAMS AND REESE LLP  
Regions Harbert Plaza  
1901 6th Avenue North, Suite 3000  
Birmingham, AL 35203  
Tel: (205) 250-5000  
Fax: (205) 250-5034  
steve.rowe@arlaw.com  
aaron.mcleod@arlaw.com

*Counsel for Defendant,*

1320 Main Street, 17th Floor  
Columbia, SC 29201  
Tel: (803) 255-9421  
Fax: (803) 255-9054  
john.martin@nelsonmullins.com  
lucie.cohen@nelsonmullins.com  
travis.bustamante@nelsonmullins.com

*Counsel for Defendant, Blue Cross Blue Shield  
of Mississippi, a Mutual Insurance Company*

Michael A. Naranjo  
FOLEY & LARDNER LLP  
555 California Street, Suite 1700  
San Francisco, CA 94104-1520  
Tel: (415) 984-9847  
Fax: (415) 434-4507  
mnaranjo@foley.com

Alan D. Rutenberg  
Benjamin R. Dryden  
FOLEY & LARDNER LLP  
3000 K Street, N.W., Suite 600  
Washington, D.C. 20007-5109  
Tel: (202) 672-5300  
Fax: (202) 672-5399  
arutenberg@foley.com  
bdryden@foley.com

*Counsel for Defendant, USABLE Mutual  
Insurance Company, d/b/a Arkansas  
Blue Cross and Blue Shield*

Robert K. Spotswood  
Michael T. Sansbury  
Joshua K. Payne  
Mary G. Menge  
Morgan B. Franz  
Jess R. Nix  
SPOTSWOOD SANSOM & SANSBURY  
LLC  
One Federal Place  
1819 5th Avenue North, Suite 1050  
Birmingham, AL 35203  
Tel: (205) 986-3620

*Independence Blue Cross*

Edward S. Bloomberg  
John G. Schmidt  
Anna Mercado Clark  
PHILLIPS LYTLE LLP  
One Canalside  
125 Main Street  
Buffalo, NY 14203  
Tel: (716) 847-7096  
Fax: (716) 852-6100  
ebloomberg@phillipslytle.com  
jschmidt@phillipslytle.com  
aclark@phillipslytle.com

Stephen A. Walsh  
Weinberg Wheeler Hudgins Gunn & Dial  
100 Corporate Parkway  
One Lake Level  
Birmingham, AL 35242  
Tel: (205) 572-4107  
Fax: (205) 572-4199  
SWalsh@wwhgd.com

*Counsel for Defendant, Excellus Health Plan,  
Inc., d/b/a Excellus BlueCross BlueShield,  
incorrectly sued as Excellus BlueCross  
BlueShield of New York*

Kathleen Taylor Sooy  
Tracy A. Roman  
April N. Ross  
Michael W. Lieberman  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: (202) 624-2500  
Fax: (202) 628-5116  
ksooy@crowell.com  
troman@crowell.com  
aross@crowell.com  
mlieberman@crowell.com

John M. Johnson  
Brian P. Kappel  
LIGHTFOOT FRANKLIN & WHITE LLC



Fax: (205) 986-3639  
rks@spotswoodllc.com  
msansbury@spotswoodllc.com  
jpayne@spotswoodllc.com  
mmenge@spotswoodllc.com  
mfranz@spotswoodllc.com  
jnix@spotswoodllc.com  
*Counsel for Defendant Capital BlueCross*

Gwendolyn Payton  
KILPATRICK TOWNSEND & STOCKTON  
LLP  
1420 Fifth Ave, Suite 3700  
Seattle, WA 98101  
Tel: (206) 626-7714  
Fax: (206) 299-0414  
gpayton@kilpatricktownsend.com

J. Bentley Owens, III  
WALLACE, ELLIS, FOWLER, HEAD  
& JUSTICE  
113 North Main Street  
Columbiana, AL 35051-0587  
Tel: (205) 669-6783  
Fax: (205) 669-4932  
bowens@wefhlaw.com

*Counsel for Defendants, Premera Blue Cross  
d/b/a Premera Blue Cross Blue Shield of  
Alaska*

David J. Zott, P.C.  
Daniel E. Laytin, P.C.  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Tel: (312) 862-2000  
Fax: (312) 862-2200  
david.zott@kirkland.com  
daniel.laytin@kirkland.com

*Counsel for Defendants Wellmark of South  
Dakota, Inc. (Wellmark Blue Cross and  
Blue Shield of South Dakota); Wellmark, Inc.  
(Wellmark Blue Cross and Blue Shield of  
Iowa); Hawaii Medical Service Association*

The Clark Building  
400 20th Street North  
Birmingham, AL 35203  
Tel: (205) 581-0716  
Fax: (205) 380-9116  
jjohnson@lightfootlaw.com

*Counsel for Defendants, Blue Cross of Idaho  
Health Service, Inc.; Blue Cross and  
Blue Shield of Kansas, Inc.; Blue Cross and  
Blue Shield of Kansas City; Blue Cross and  
Blue Shield of Nebraska; Blue Cross  
Blue Shield of Arizona; Blue Cross Blue Shield  
of North Dakota; Blue Cross Blue Shield of  
Wyoming; HealthNow New York Inc.;  
BlueShield of Northeastern New York;  
BlueCross BlueShield of Western New York*

*(Blue Cross and Blue Shield of Hawaii);  
Triple-S Salud, Inc.*

Kimberly R. West (Liaison Counsel)  
Mark M. Hogewood  
WALLACE, JORDAN, RATLIFF &  
BRANDT, LLC  
First Commercial Bank Building  
800 Shades Creek Parkway, Suite 400  
Birmingham, AL 35209  
Tel: (205) 870-0555  
Fax: (205) 871-7534  
kwest@wallacejordan.com  
mhogewood@wallacejordan.com

*Counsel for Defendants Wellmark of South  
Dakota, Inc. (Wellmark Blue Cross and Blue  
Shield of South Dakota); Wellmark, Inc.  
(Wellmark Blue Cross and Blue Shield of  
Iowa); Hawaii Medical Service Association  
(Blue Cross and Blue Shield of Hawaii)*

John D. Martin  
Lucile H. Cohen  
Travis A. Bustamante  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
1320 Main Street, 17th Floor  
Columbia, SC 29201  
Tel: (803) 255-9421  
Fax: (803) 255-9054  
john.martin@nelsonmullins.com  
lucie.cohen@nelsonmullins.com  
travis.bustamante@nelsonmullins.com

*Counsel for Defendants Wellmark of South  
Dakota, Inc. (Wellmark Blue Cross and  
Blue Shield of South Dakota); Wellmark, Inc.  
(Wellmark Blue Cross and Blue Shield of  
Iowa); Hawaii Medical Service Association  
(Blue Cross and Blue Shield of Hawaii);  
Triple-S Salud, Inc.*



**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2020, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Craig A. Hoover  
Craig A. Hoover